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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,407	07/11/2000	Brian Innes	GB9-2000-0017-US1	1288
25259	7590	05/04/2005	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/613,407

Applicant(s)

INNES, BRIAN

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e))

1. Claims 1-7,10-18,20-23 are rejected under 35 U.S.C. 102(e) as being unpatentable by Mendez et al (U.S. 5,961,590).

As per claims 1,13,23 Mendez disclosed a mail server for initiating database synchronization with a client on a mobile computing device, comprising: a mail server copy of a user mailbox, wherein a copy of said user mailbox also exists on the client; means for receiving a message for said user at the mail server; means for storing the message in said user mailbox on the mail server; means, responsive to receipt of said message at the mail server (col. 12, lines 29-39), for initiating a link between the mail server and the client; and means for transmitting synchronization updates to the client in order to synchronize the client copy of said mailbox with

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the mail server copy, such that said message is added to the client copy of the mailbox and means for transmitting synchronization updates to the client in order to synchronize the client copy of said mailbox with the mail server copy (col. 12, lines 1-8), such that said message is added to the client copy of the mailbox, responsive to receipt of said message at the mail server, for initiating a link between the mail server and the client (col. 12, lines 20-28). Wherein the step of initiating the link comprises: creating a first trigger messaging to a message server, at the message server, transmitting a second trigger message to the client using a first protocol responsive to receipt of the first trigger message, at the client initiating a mail box synchronize request to the mail server using a second protocol in response to the receipt of the second trigger message; and wherein the method further comprises synchronizing the client copy of said mailbox with the mail server copy using the second protocol (col. 15 lines 12-53).

3. As per claims 2,14 Mendez disclosed wherein the mail server mailbox includes a remote device id for identifying the client (col. 9, lines 31-39).

4. As per claims 3,15 Mendez disclosed wherein the step of initiating a link to said client comprises executing an agent, wherein the agent initiates a call to the client using said remote device id (col. 14, lines 23-39).

5. As per claims 4,16 Mendez disclosed wherein the agent initiates the call to the client by: creating the first trigger message, said first trigger message comprising the remote device id; transmitting said first trigger message to the message server; and responsive to receipt of said

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trigger message at the message server (col. 15 lines 12-53), initiating said link between the mail server and the client in order to perform said synchronization (col. 12, lines 20-28).

6. As per claims 5,17 Mendez disclosed wherein said message server includes an address book, in which the remote device id of the client and contact details are stored (col. 7, lines 6-16).

7. As per claims 6,18 Mendez disclosed wherein the step of initiating a link to the client further comprises: receiving the first trigger message at said message server (col. 14, lines 23-39); looking up the remote device id contained within said first trigger message in the message servers address book; mapping said remote device id to the corresponding contact details; and using said details to transmit the second trigger message to the client (col. 14, lines 45-59).

8. As per claim 7 Mendez disclosed wherein a first link is established between the client and the message server to allow receipt of said second trigger message by the client, said method further comprising the steps of: dropping said first link after receipt of said second trigger message at the client; initiating a second link from the client to the message server; and transmitting a synchronization request over said second link from the message server to the client using the second protocol, wherein said synchronization is performed in response to receipt of said request at the client (col. 12, lines 1-19).

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9. As per claims 10,20 Mendez disclosed further comprising the step of allowing a user to disable server initiated database synchronization with the client (col. 12, lines 29-43)

10. As per claims 11,21 Mendez disclosed comprising the steps of: logging when synchronization was last performed; and responsive to receipt of a new message for the user at the mail server, waiting a predetermined amount of time after said synchronization was last performed before performing synchronization again (col. 11, lines 12-40).

11. As per claims 12,22 Mendez disclosed further comprising the step of enabling a user to alter said predetermined amount of time (col. 6, lines 34-42).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8,9,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez et al (U.S. 5,961,590) and Lefeber et al (U.S. 2002/0046299).

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As per claims 8,19 Mendez did not disclose in detail wherein the second trigger message is an SMS text message.

In the same field of endeavor Lefeber disclosed wherein the device hangs up after a specified number of ring and delays or after sufficient time for the server to capture caller ID information would be received by a server that the alert was received and/or that the user took action and signaling server could ease efforts to notify the user (Page. 6, Column. 0051).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated wherein the device hangs up after a specified number of ring and delays or after sufficient time for the server to capture caller ID information would be received by a server that the alert was received and/or that the user took action and signaling server could ease efforts to notify the user as taught by Lefeber in the method of Mendez to provide a technology within the inherent limitations that are imposed by the network while still providing the ability for users to receive time sensitive information.

14. As per claim 9 Mendez failed to disclose wherein the mail server and the message server are physically the same machine.

In the same field of endeavor Lefeber disclosed in such cases event sever monitors approaches private data streams relating to these user-defined rules (such as by polling the mail server or

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receiving an indication from a signaling server that a signal relating to a particular type of event has occurred) to recognize the occurrence of the event interest in substantially real-time (Page. 4, col. 0035). One ordinary skill in the art at the time of the invention can interpret the message server and the mail server.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated event sever monitors approaches private data streams relating to these user-defined rules (such as by polling the mail server or receiving an indication from a signaling server that a signal relating to a particular type of event has occurred) to recognize the occurrence of the event interest in substantially real-time as taught Lefeber in the method of Mendez to provide a technology within the inherent limitations that are imposed by the network while still providing the ability for users to receive time sensitive information

### ***Response to Arguments***

Applicant's arguments filed 11/04/2004 have been fully considered but they are not persuasive.

Response to applicant's arguments are as follows.

15. Applicant argued that prior art did not disclose "responsive to receipt of said message at the mail server, initiating a link between said mail server and said client using said remote device id".



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As to applicant's argument Mendez disclosed and also recited by the applicant " The mail server 850 receives and stores in one or more folder structures client electronic mail 875 (e-mails) from the computer network 820 and addressed to the client 840 (col. 12, lines 3-7). One ordinary skill in the art at the time of the invention interpreted the function of receiving, sending and saving emails would resulted in establishing communication link between the client and the receiver.

16. Applicant argued that prior art did not disclose initiating a link between the mail server and the client using a remote device id in response to receipt of a message at the mail server and the client using a remote device id in response to receipt of a message at the mail server.

As to applicant's argument Lefeber disclosed "wherein the device hangs up after a specified number of ring and delays or after sufficient time for the server to capture caller ID information would be received by a server that the alert was received and/or that the user took action and signaling server could ease efforts to notify the user (Page. 6, Column. 0051)". One ordinary skill in the art at time of the invention interpreted "caller ID information" as "Remote device ID" and "receiving the alert" also as interpreted as "receiving the message".

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

19. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (571)-272-3880. The fax for this group is (703)-746-7239.

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20. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

21. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

*V. Martin Wallace*  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
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